

Serial No. 09/214,971

PATENT
Docket No. 58009-011900REMARKS

The Applicant has carefully considered the detailed Office Action. Reconsideration of the above application is respectfully requested.

In claims 13 and 32 the negative terminology has been removed.

In claims 31, 32 and 33 the term 'reconstructed' leather has been replaced with the term 'regenerated' leather which is used in this patent specification. It is submitted that there is essentially no difference in these terms. More specifically the term regenerated natural leather material, has been more specifically defined as a material being an essentially natural material.

It is pointed out that the term 'reconstructed' or 'regenerated' did not appear in claims 8, 13 and 18. There is absolutely no basis for rejecting these claims. These claims are directed to a natural leather product precisely defined. For this reason the Examiner previously indicated to the Applicant that these claims and the claims dependent thereon are allowable. This action is respectfully requested.

It appears that the Examiner may have confused a prior filed amendment with the latest amendment, namely the amendment mailed on August 5, 2003. The Examiner is requested to carefully review the communications in the application. This appears apparent because the Examiner's office action under response states that the term "reconstituted natural leather" has been used in the alternative, and since natural leather is optional, the limitations have been met by the rejections.

This is not correct. There is no alternative which is used. The claims for natural leather are distinct from the claims for regenerated (reconstituted) leather.

Claims 31, 32 and 33 are submitted to be allowable. In an effort to make clear what the Applicant intends to cover, the Applicant refers once again to the fact that the regenerated leather is a natural leather product or a product which is essentially a natural leather product. The Applicant has submitted treatises and dictionaries references defining what this term means.

Serial No. 09/214,971

PATENT
Docket No. 58009-011900

There is no basis for an Examiner to look at prior art in this case. A patent written by Parker, which relates the term "reconstituted leather" in relation to synthetic leathers, is such an example of an inadvertent misdirection by the Examiner. It is well known that a patentee can be his own lexicographer and this can stretch to something totally different to what a person skilled in the art would normally understand terminology to mean. In fact a patent applicant in his patent application can define a word contrary to its normal understanding. This may be what Parker has done. It is incorrect and the Examiner has no basis for importing incorrect Parker statements or definitions into the present application.

As such it is plain here that ordinary persons skilled in the leather art here would understand regenerated or reconstructed leather as an essentially natural product. The Applicant in this application intends that meaning for the word to be in conformity with what persons in the art understand from the word and its definition.

The Applicant has always intended that meaning for the word. The Applicant at this time is even more precisely adding the possibly clarify terminology to the claims solely to assist the Examiner. The Examiner should note that the term "natural" has already been used in these claims. It is submitted that this further phrase of possible clarification which the Examiner may be seeking does not raise new matter and it may assist the Examiner in her understanding the preciseness of the invention defined and sought to be protected in those claims 31, 32 and 33.

Every which way these claims are interpreted the Examiner is to consider these claims as being natural leather claims and not synthetic leather which is a totally different product and this would be so understood in the art.

In case it is of assistance, the Applicant refers the Examiner to U.S. Patent 4,325,236 as disclosing one method of manufacturing regenerated leather.

The Applicant believes after consideration of these remarks and these changes issues are clear and that no further detailed response is necessary. There simply is no prior art which teaches the statement of natural leather or regenerated leather as defined.

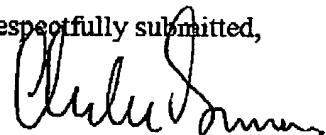
Serial No. 09/214,971

PATENT
Docket No. 58009-011900

The record is clear, the prior art has been repeatedly addressed, and no further repetitious statements or rebuttals are necessary.

In view of the above, it is submitted that this application is now in good order for allowance, and such early action is respectfully solicited. Should matters remain which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicant's undersigned attorney.

Respectfully submitted,



Charles Berman
Reg. No. 29,249

Date: April 22, 2004

Customer Number 33717
GREENBERG TRAURIG, LLP
2450 Colorado Avenue, Suite 400E
Santa Monica, CA 90404
Phone: (310) 586-7770
Fax: (310) 586-0271
E-mail: bermanc@gtlaw.com
WLA-SRV01\235740v01